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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,205	01/23/2004	Atul Mukker	03-2586	8069
84571	7590	12/29/2009	EXAMINER	
LSI Corporation C/O Ortiz & Lopez, PLLC P.O. Box 4484 Albuquerque, NM 87196			SAEED, USMAAN	
			ART UNIT	PAPER NUMBER
			2166	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/764,205

**Applicant(s)**

MUKKER, ATUL

**Examiner**

USMAAN SAEED

**Art Unit**

2166

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 and 12-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 12-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ ~~Notice of Informal Patent Application~~
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Receipt of Applicant's Amendment, filed 09/23/2009 is acknowledged.

Claims 1, 7 and 16 have been amended and claims 1-8, and 12-17 are pending in this office action.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 7-8, 12, and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPG Pub, 2003/0149752, Baldwin et al. (Baldwin hereinafter) in view of USP, 5,778,387, David M. Bristor. (Bristor hereinafter).

With respect to claim 1,

Baldwin teaches method in a data-processing system for recovering data (see Paragraph 0342, Baldwin), said data processing system having a central processing unit coupled to an operating system, memory coupled to said central processing unit, and a command line interface to said operating system in which a user responds to a visual prompt by typing in a command on a specified line and receives a response back from the system, (see Abstract, Baldwin) the method comprising:

utilizing said command line interface to interact with said operating system (see Paragraph 0118, Baldwin);

identifying desired data from said command line interface displayable within a display area of a data-processing system (see Abstract, Paragraphs 0075, 0100, Baldwin);

Baldwin teaches the elements of claim 1 as noted above but does not explicitly teach "automatically saving said desired data in said memory of said data-processing system, in response to identifying said desired data from said command line interface" "testing using said system to determine if said desired data has been deleted from said command line of said command line interface," "automatically recovering said desired data from said memory of said data-processing system for display within said command line interface in response to said desired data being deleted from said command line of said command line interface" and "automatically displaying said deleted data within said command line interface, in response to automatically recovering said desired data from said memory."

However, Bristor teaches automatically saving said desired data in said memory of said data-processing system, in response to identifying said desired data from said command line interface (see col. 6, lines 16-18 and 25-28, Bristor); and

testing using said system to determine if said desired data has been deleted from said command line of said command line interface and automatically recovering said desired data from said memory of said data-processing system for display within said command line interface in response to said desired data being deleted from said

command line of said command line interface (see col. 2, lines 61-67, col. 3, lines 1-19 and col. 8, lines 44-50, Bristor);

automatically displaying said deleted data within said command line interface, in response to automatically recovering said desired data from said memory (see col. 2, lines 61-67, col. 3, lines 1-7 and Figure 1C, Bristor)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of the cited references because Bristor's teaching would have allowed Baldwin to provide a history mechanism by which a user can recall and regenerate previously generated user data without requiring the user to recall the initial character or characters of the previously generated user data and without requiring the user to search for the previously generated user data in a chronological list of previously generated user data (see col. 6, lines 1-6, Bristor).

With respect to claim 7,

Baldwin does not explicitly teaches "the permitting a user to specify a plurality of rules for determining whether to recycle said data; recycling said data, in response to user input."

However, Bristor teaches the steps of: permitting a user to specify a plurality of rules for recycling said data; recycling said data, in response to user input (see col. 6, lines 16-18 and 25-28, Bristor).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of the cited references because Bristor's

teaching would have allowed Baldwin to provide a history mechanism by which a user can recall and regenerate previously generated user data without requiring the user to recall the initial character or characters of the previously generated user data and without requiring the user to search for the previously generated user data in a chronological list of previously generated user data (see col. 6, lines 1-6, Bristor).

With respect to claim 8,

Baldwin does not explicitly teaches the limitations of claim 8, however, Bristow teaches the step of prompting said user to specify said plurality of rules for recycling said data through a display of a graphical user interface dialog (see col. 6, lines 16-18 and 25-28, Bristor).

specifying the minimum size of said data to be recycled and/or specifying special files/empty directories not to be recycled as (see col. 1, lines 58-67, Bristor).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of the cited references because Bristor's teaching would have allowed Baldwin to provide a history mechanism by which a user can recall and regenerate previously generated user data without requiring the user to recall the initial character or characters of the previously generated user data and without requiring the user to search for the previously generated user data in a chronological list of previously generated user data (see col. 6, lines 1-6, Bristor).

Claims 12 and 16-17 have the same subject matter as of claims 1 and 7-8, and are rejected for the same reasons as applied hereinabove.

3. Claims 2-6 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPG Pub, 2003/0149752, Baldwin et al. in view of USP, 5,778,387, David M. Bristol. as applied to claims 1, 7-8, 12, and 16-17, further in view of (NPL "Using the TSM client command line interface for backup and restore" 2002), Ian Smith (Smith hereinafter).

With respect to claim 2,

Baldwin and Bristol do not explicitly teach displaying an original file of said desired data within said command line interface, displaying an original file location of said desired data within said command line interface, indicating within said command line interface deletion of said desired data in response to said desired data being deleted using said command line interface.

However, Smith teaches displaying an original file of said desired data within said command line interface, displaying an original file location of said desired data within said command line interface, indicating within said command line interface deletion of said desired data in response to said desired data being deleted using said command line interface (see, 6.4 restoring old and/or deleted files, Smith).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of the cited references because Smith's

teaching would have allowed Baldwin and Bristor to provide a recovery system which prevents overwriting current versions of files with older versions.

With respect to claim 3, Baldwin and Bristor do not explicitly teach displaying with the same window of said command line interface said original file, said original file location, said indication of deletion of said desired data, and said recovered data.

However, Smith discloses displaying with the same window of said command line interface said original file, said original file location, said indication of deletion of said desired data, and said recovered data as (see, 6.4 restoring old and/or deleted files, Smith).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of the cited references because Smith's teaching would have allowed Baldwin and Bristor to provide a recovery system which prevents overwriting current versions of files with older versions.

With respect to claim 4-6,

Baldwin teaches wherein said operating system comprises a Linux based operating system, Unix-based operating system, and windows based operating system as (see Abstract, and Paragraph 0168 Bladwin).

Claims 13-15 have the same subject matter as of claims 2-6 and are rejected for the same reasons as applied hereinabove.



***Response to Arguments***

4. Applicant's arguments filed 09/23/2009 have been fully considered but they are not persuasive.

Applicant argues that Baldwin and Bristor do not teach or suggest identifying desired data from said command line interface displayable within a display area of a data-processing system; testing using said system to determine if said desired data has been deleted from said command line of said command line interface; and automatically recovering said desired data from said memory of said data-processing system for display within said command line interface in response to said desired data being deleted from said command line of said command line interface.

In response to the preceding arguments examiner respectfully submits that Baldwin teaches identifying desired data from said command line interface displayable within a display area of a data-processing system (see Abstract, Paragraphs 0075, 0100, Baldwin).

*These lines teach utilization of a command line interface of the host operating system to interact with the platform dependent processes and based on this interaction, the platform dependent processes return data via the command line interface of the host operating system to the platform independent processes. Therefore, platform*

independent processes are utilizing the command line interface to identify the desired data by use of platform dependent processes.

Further, Bristor teaches testing using said system to determine if said desired data has been deleted from said command line of said command line interface and automatically recovering said desired data from said memory of said data-processing system for display within said command line interface in response to said desired data being deleted from said command line of said command line interface (see col. 2, lines 61-67, col. 3, lines 1-19 and col. 8, lines 44-50, Bristor);

In these lines Bristor teaches commands, which examiner interprets as the claimed desired data, which is displayable on the command line interface 102. These commands are stored in a history database. When these commands are deleted from the interface, they are automatically retrieved from the history database by use of history buttons or by pressing arrow keys to regenerate previously generated data/commands. Therefore examiner interprets the automatic retrieval of commands by use of history button or arrow keys as claimed recovering of desired data when it is not present in the interface 102.

Further applicant argues that examiner has not provided any credible reason or suggestion to combine the Bladwin and Bristor references.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by

combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, Bladwin and Bristol references are analogous because they are both directed towards the use of commands by utilizing command line interfaces. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of the cited references because Bristol's teaching would have allowed Baldwin to provide a history mechanism by which a user can recall and regenerate previously generated user data without requiring the user to recall the initial character or characters of the previously generated user data and without requiring the user to search for the previously generated user data in a chronological list of previously generated user data.

Claims must be given the broadest reasonable interpretation during examination and limitations appearing in the specification but not recited in the claim are not read into the claim (See M.P.E.P. 2111 [R-I]).

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to USMAAN SAEED whose telephone number is (571)272-4046. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571)272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Usmaan Saeed  
Examiner, Art Unit 2166  
December 18, 2009

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Examiner, Art Unit 2166

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